

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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In the Matter of

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Deregulation/Privatization of Equipment

)

CC Docket No. 99-216

Registration and Telephone Network Connection

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Rules (47 C.F.R. Part 68)

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**COMMENTS  
OF THE  
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) respectfully submits its comments in the above-referenced proceeding. USTA is the principal trade association of the local exchange carrier (LEC) industry. Its members provide over 95 percent of the incumbent LEC-provided access lines in the U.S. USTA's member companies are subject to the Part 68 rules. They are also interested in any effort to eliminate rules that have become unnecessary due to emerging competition and evolution of technology.

In a Public Notice released June 10, 1999, the Common Carrier Bureau announced that it will hold public fora on July 12<sup>th</sup> and 13<sup>th</sup> to solicit input for a planned rulemaking to consider options for streamlining or eliminating equipment registration and telephone network connection requirements contained in Part 68 of the Commission's rules. USTA notes that the Bureau does not propose to change the Commission's policy of fully competitive provision of customer premises equipment, and does not intend to change the Commission's policy to protect the telephone network from harmful CPE or interconnection. The Bureau is seeking methods that depend more on an industry program to achieve desired or necessary levels of network protection.

USTA's comments address a primary structure for a revised program of qualifying telecommunications terminal equipment for attachment to the network. USTA believes that it is possible to develop a program that is effective in protecting the network from harm while placing increased reliance on the manufacturers, testing laboratories and industry and standards developers. However, the Commission must maintain enforcement authority to ensure a credible program. The program must also take into account the growing interrelationship of agreements between various countries in recognition and certification of equipment both for export from and import into the United States. It should build on the Commission's ongoing activities for liberalization of equipment authorizations and establishment of Mutual Recognition Agreements.<sup>1</sup>

#### **Basic Validity of the Terminal Equipment Program**

The basic tenants of the terminal equipment registration and certification program remain valid and have been an essential element in the success of the terminal equipment connection program in the U. S. Establishment of a program to prevent equipment from causing harm to the network or the services of other users has proven that it has merit, and this perspective should also form the basis for the new program. The following discussion is based on that perspective.

#### **Standards Development and Maintenance**

It is possible to transfer responsibility for the development of new as well as maintenance of existing technical requirements of Part 68 to the private sector. This would include the option to discard segments of the rules that are no longer necessary. The resources needed to accomplish this are available in the various standards development organizations (SDOs) which currently exist. In order to qualify for this responsibility, a SDO should be accredited by the

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<sup>1</sup> See, Streamlining the Equipment Authorization Process; Implementation of Mutual Recognition Agreements and the GMPCS MOU, GEN Docket No. 98-68, FCC 98-338, 64 Fed.Reg. 4984 (Feb. 2, 1999).

American National Standards Institute (ANSI). Responsibility for various portions of the rules might be apportioned among a number of SDOs to take advantage of the expertise needed and the organizational structure of the industry.

If the Commission intends to maintain an effective program to "protect the telephone network from harmful CPE or interconnection", the industry will have the incentive to expend the effort required to maintain and develop technical standards. However, the Commission must ensure that it will maintain enforcement authority over these standards. The Commission may determine that it must adopt the technical rules that emanate from these groups so that it maintains sufficient authority to enforce the standards. USTA believes that this requirement is an essential foundation of an effective and ongoing program.

In order to accomplish this, the Commission could convene SDOs to make recommendations, or possibly to take "bids" from the SDOs, in order to be granted the responsibility to develop and maintain rules in specific areas. Some special procedures would require development, such as processes to deal with exceptions to permit the Commission to exercise its authority if required without intruding on the SDOs' practices or accreditation.

### **Certification**

Once a viable set of technical requirements are available, specific elements of terminal equipment must be tested to verify that they demonstrate essential technical capabilities in the presence of all of the conditions under which they are required. This requires the establishment and qualification of laboratories that have been judged to be competent to conduct the tests, determine the results and perform all of the functions necessary to attest to the equipment's successful certification as well as to provide an auditable trail that may be necessary for future

review. USTA believes that the Commission's criteria can serve to appropriately qualify Telecommunications Certification Bodies (TCBs).<sup>2</sup>

In the current structure, the testing laboratory forwards the test report to the Commission. The Commission establishes the registration number and grants the registration. The Commission must continue to maintain a database in one location that records all granted registrations, but it would not need to continue to maintain detailed registration test files. It may also be possible to use "blocks" of numbers or other methods to facilitate TCB "grant" of registrations and advise the Commission in an automated manner. This would permit the Commission to continue to provide assurance of registration and to provide an audit function on some periodic basis to verify that the conditions are being met.

The Commission has already considered the question of recognition of testing done in foreign countries that is to be accepted as valid in the United States. USTA supports these determinations.<sup>3</sup>

### **Harmonization with other Programs Worldwide**

For many years, discussions have proceeded regarding the establishment of uniform technical standards that are applicable across national boundaries. USTA supports continuing this effort to establish technical standards that are applicable beyond national boundaries as an important element in simplifying certification procedures and promoting trade in telecommunications equipment.

### **A Federal Advisory Committee**

As all parties to this discussion are well aware, it is relatively simple to put forth statements of principle and make a determination to proceed. Reality and past experience teach

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<sup>2</sup> See, 64 Fed. Reg. 4986-4987.


<sup>3</sup> *Id.* at 4990.

that implementation of these changes are time consuming and difficult. The Commission may find it useful to consider creating a Federal Advisory Committee (FAC) to facilitate expedited consideration and resolution of issues, while maintaining wide representation from all affected industry segments. USTA would support such a committee if its role was to assist the industry and the Commission in setting up and validating the effectiveness of the new program. A clear condition should be that the new FAC not become embedded in the process to the extent that it stays in existence for an extended period to oversee the program. Such a result would be contrary to the goals of deregulation and privatization. Once the basic program had been developed and placed in service, the FAC should be dissolved.

USTA looks forward to working with the Bureau on these important issues as USTA shares the Bureau's interest in exploring opportunities to streamline or eliminate current rules.

Respectfully submitted,

**UNITED STATES TELEPHONE ASSOCIATION**

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